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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

21 Cr. 430 (RA)

5 NILOUFAR BAHADORIFAR,

6 Defendant.

7 -----x

Sentencing

8 April 7, 2023  
9 10:05 a.m.

10 Before:

11 HON. RONNIE ABRAMS,

12 District Judge

13  
14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the  
Southern District of New York

17 BY: JACOB H. GUTWILLIG

MATTHEW HELLMAN

18 Assistant United States Attorneys

19  
20 LAW OFFICES OF JEFFREY LICHTMAN  
Attorneys for Defendant

21 BY: JEFFREY H. LICHTMAN

JEFFREY B. EINHORN

N472BahS kjc

(Case called)

THE DEPUTY CLERK: Counsel, please state your name for the record.

MR. GUTWILLIG: Good morning, your Honor. Jacob Gutwillig for the government. I'm joined at counsel table by my colleague AUSA Matthew Hellman.

THE COURT: Good morning to both of you.

MR. LICHTMAN: Jeffrey Lichtman and Jeffrey Einhorn for defendant Niloufar Bahadorifar.

THE COURT: Good morning to all of you, as well.

So this matter is on for sentencing. Ms. Bahadorifar pled guilty in December to conspiring to violate International Emergency Economic Powers Act, the IEEPA, as we call it, in violation of 50 United States Code 1701 and structuring in violation of 31 United States Code 5324.

So in connection with today's proceeding, I have reviewed all of the numerous letters submitted by the parties, some with attachments, all of which I have read as well, together with a presentence investigation report dated March 7 of this year.

Why don't we begin by discussing the presentence report prepared by the probation department. Counsel, have you reviewed the presentence report and discussed it with your client? Let me start with defense counsel, please.

MR. LICHTMAN: I have, your Honor.

N472BahS kjc

1 THE COURT: And do you have any objections to it?

2 MR. LICHTMAN: Judge, we have no objections but, you  
3 know, there is the issue with regard to the sentencing  
4 guidelines, and we would defer to the plea agreement.

5 THE COURT: Okay. All right. Understood. Thank you.  
6 I was going ask if you wanted to be heard, but thank you for  
7 that.

8 Ms. Bahadorifar, have you had enough time and  
9 opportunity to review the presentence report and discuss it  
10 with your attorneys?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. Does the government have any  
13 objections to the presentence report?

14 MR. GUTWILLIG: Not beyond those with respect to the  
15 guidelines calculation, your Honor.

16 THE COURT: Okay. All right. All right. So the  
17 Court adopts the factual findings in the report. The  
18 presentence report will be made a part of the record in this  
19 matter and placed under seal. If an appeal is taken, counsel  
20 on appeal may have access to the sealed report without further  
21 application to the Court.

22 So, Ms. Bahadorifar, when you pled guilty in  
23 December, we discussed the federal sentencing guidelines. And  
24 for those who are here and are not aware, the guidelines are,  
25 you know, in a book like this. They are a set of rules. They

N472BahS kjc

1 are published by the United States Sentencing Commission, and  
2 they are designed to guide judges when they impose sentence.  
3 At one time they were mandatory, meaning judges were required  
4 to follow the guidelines, but they are no longer mandatory,  
5 they are no longer binding on judges, but judges must  
6 nonetheless consider them and calculate them properly.

7 So while the parties stipulated to a guidelines range  
8 of 46 to 57 months, the probation department found that the  
9 applicable range should instead be 37 to 46 months. The  
10 difference in the ranges turns on whether Counts Two and Five  
11 should be grouped or not. The probation department found that  
12 they should be, stating that, pursuant to Section 3D1.2, they  
13 involve the same victim, namely, society at large, and two or  
14 more acts or transactions that are connected by a common  
15 criminal objective constituting part of a common scheme or  
16 plan.

17 It seems like defense counsel doesn't want to be heard  
18 on this. Would the government like to be heard on this issue  
19 further?

20 MR. GUTWILLIG: Your Honor, the government is happy  
21 to rest on its papers unless there are any specific questions  
22 we can address.

23 THE COURT: I don't think so, thanks.

24 So Section 2M5.1, the guideline applicable to Count  
25 Two, is not specifically listed as a guideline to be grouped

N472BahS kjc

1 under 3D1.2, nor is it listed as a guideline to be excluded  
2 from the grouping analysis.

3 But 3D1.2 provides that for multiple counts of  
4 offenses that are not listed, grouping under this subsection  
5 may or may not be appropriate and that a case-by-case  
6 determination must be made based on facts in the applicable  
7 guidelines.

8 The application note 2 addresses the use of the term  
9 "victim" in the guideline and reads, "For offenses in which  
10 there are no identifiable victims, e.g., drug or immigration  
11 offenses, where society at large is the victim, the 'victim'  
12 for purposes of subsection (b) is the societal interest that's  
13 harmed."

14 And the introductory commentary to part 3D of the  
15 guidelines makes clear that it is specifically designed to  
16 provide incremental punishment for significant additional  
17 conduct while preventing multiple punishment for substantially  
18 identical conduct.

19 So ultimately I agree with the government that the  
20 societal harms caused by violations of IEEPA and the  
21 structuring laws are different and the criminal conduct  
22 involved is not substantially identical. The language in  
23 50 United States Code 1701(a) makes clear that IEEPA relates  
24 to unusual and extraordinary threats which have their source in  
25 whole or in part outside the United States to the national

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1 security, foreign policy, or economy of the United States.  
2 You know, in *United States v. Hashimi*, 2009 WL 4042841,  
3 Judge Preska collected a history of executive actions taken  
4 under the authority of IEEPA, including President Clinton  
5 adding Osama Bin Laden and al Qaeda to the list of specially  
6 designated terrorists. And as the Second Circuit observed in  
7 the *Banki* case, pursuant to IEEPA, the Iranian transactions  
8 and sanctions regulations were specifically adopted to target  
9 the Iranian government's proliferation of weapons of mass  
10 destruction, state-sponsored terrorist activity, and efforts  
11 to frustrate Middle East diplomacy.

12 The structuring laws, by contrast, are principally  
13 focused on transparency in the financial system and are  
14 designed to fulfill multiple distinct goals. And as far back  
15 as 1979, for instance, the Second Circuit described the  
16 structuring laws and noted that the reports or records  
17 required by them will be useful not only for criminal purposes  
18 but also in tax or regulatory investigations or proceedings  
19 and that such nonprosecutorial interests accounted for by the  
20 laws were substantial. Indeed, Congress specifically codified  
21 a declaration of purpose for passing reporting requirements in  
22 the structuring laws at 31 United States Code 5311, and there  
23 it noted that it enacted the structuring laws to require  
24 records that could, among other things, prevent the laundering  
25 of money, be used for regulatory investigations, and aid in

N472BahS kjc

1 combating tax evasion and fraud risks to American financial  
2 institutions.

3 So for all of those reasons, I find that, given the  
4 facts of these offenses and the distinct statutory purposes of  
5 IEEPA and the structuring laws, that the parties are correct  
6 in not grouping Counts Two and Five.

7 So I accept the guidelines calculation in the plea  
8 agreement and I accept the guidelines calculation in the  
9 presentence report except for the grouping analysis. As a  
10 result, Ms. Bahadorifar's offense level after, among other  
11 things, factoring in acceptance points and a minor role  
12 reduction, is 23, her criminal history category is I, and her  
13 recommended guidelines sentence is 46 to 57 months. So that's  
14 consistent with the plea agreement.

15 As I said a moment ago, that range is only advisory,  
16 so courts may impose a sentence outside of that range based on  
17 one of two legal concepts—a departure or a variance. A  
18 departure allows for a sentence outside of the advisory range  
19 based on some provision in the guidelines themselves. I  
20 understand that in the plea agreement the parties agreed that  
21 neither party could seek a departure. Is that correct?

22 MR. GUTWILLIG: That's correct, your Honor.

23 MR. LICHTMAN: Yes, your Honor.

24 THE COURT: Okay. Nevertheless, I have considered  
25 whether there is an appropriate basis for departure from the

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1 advisory guidelines range and, while recognizing that I have  
2 the authority to depart, I don't find any grounds warranting a  
3 departure under the guidelines.

4 I also, of course, have the power to impose what we  
5 call a variance pursuant to 18 U.S.C. § 3553(a), and I know  
6 that that is what the defense is seeking.

7 So with that said, would the government like to be  
8 heard today with respect to sentencing?

9 MR. GUTWILLIG: Yes, your Honor.

10 Your Honor, we are here today because Niloufar  
11 Bahadorifar knowingly violated sanctions. Those sanctions are  
12 designed to prevent hostile foreign governments, like Iran,  
13 from carrying out its missions of terror and human rights  
14 abuses across the globe, from stamping out dissent and  
15 silencing criticism and trying to do that right here in New  
16 York City.

17 Those sanctions are a bulwark against malign foreign  
18 actors and influence, and the defendant violated them. For  
19 years, she accepted money from Mahmoud Khazein, who she knew  
20 was affiliated with Iranian intelligence, and she acted on his  
21 behalf. She provided invaluable access, opening the door to  
22 the U.S. financial system so that the Iranian intelligence  
23 community could walk right through. And on June 17, 2020, at  
24 Khazein's direction, and in coordination with their  
25 coconspirator Omid Noori, she sent a \$670 payment to a private



N472BahS kjc

investigator. That payment note read: "Requested from Mr. M. Khazein."

Now, as the Court knows, that payment was for the private investigator to conduct surveillance of the victim in this case, Masih Alinejad. She is here in court today. Ms. Alinejad is a prominent critic of the Iranian regime and she has spoken out against its human rights abuses, compulsory hijab laws, suppression of democratic participation expression, and the use of arbitrary imprisonment, torture, and execution to target its political opponents. And for that bravery she has paid a price. She was, as charged in the indictment, the target of a kidnapping plot undertaken by Khazein, Noori, and their coconspirators, Kiya Sadeghi and Alireza Shahvaroghi Farahani. And you will hear today from Ms. Alinejad about the effect that that kidnapping plot had on her and her family. She will describe it in a way that I can't.

Let me be clear. The defendant is not charged in that kidnapping conspiracy and the government does not allege that she had specific knowledge of its aims. The defendant's conduct is, instead, an object lesson in why sanctions violations are gravely serious. Under the International Emergency Economic Powers Act, or IEEPA, the president has the authority to declare a national emergency with respect to unusual and extraordinary threats to this nation's national

N472BahS kjc

1 security, foreign policy, and economy when those threats have  
2 their source in whole or in substantial part outside of the  
3 United States. The government of Iran was identified as such  
4 a threat in 1979 when the current regime came to power,  
5 seizing the United States embassy in Tehran and holding more  
6 than 50 Americans hostage for over a year.

7 The current sanctions regime came into effect in 1995  
8 when the president declared a national emergency in response  
9 to the government of Iran's support of terrorism, among other  
10 things. And since that time, each successive U.S. president  
11 has found that the government of Iran's actions continue to  
12 pose an unusual, extraordinary threat. That is what IEEPA  
13 is—a national emergency posed by the government of Iran that  
14 has persisted for more than a quarter of a century. That is  
15 the law the defendant broke.

16 She may not have known about the kidnapping  
17 conspiracy, but the defendant new very well that she was  
18 supporting, assisting, and facilitating the actions of Iranian  
19 intelligence assets for years before that plot came to  
20 fruition.

21 Beginning in at least 2014, the defendant received  
22 regular payments from Iran from Khazein. Those payments were  
23 made through a variety of deceptive and secretive means, and  
24 the defendant held up her end of the bargain in exchange. She  
25 gave Khazein credit cards, access to the U.S. financial

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1 system, maintained bank accounts, and made payments through  
2 U.S. payment facilities. She facilitated import of  
3 commodities to Iran, bought computer tools for him, and  
4 offered to act as a straw owner of businesses in the  
5 United States on his behalf. So even if she never made the  
6 payment to the investigator and the kidnapping conspiracy  
7 never took place, we would be left with someone who  
8 repeatedly, willfully and, to put a fine point on it,  
9 dangerously violated sanctions.

10 Violating sanctions may sound like some sort of  
11 technicality. It is not. In plain English, for years, the  
12 defendant knowingly supported an intelligence asset of a  
13 hostile foreign nation that the United States has deemed a  
14 sponsor of global terror.

15 When she was arrested, the defendant initially lied  
16 about knowing Khazein and pretended not to recall his name.  
17 She later admitted that in fact she had known him for years  
18 and understood him to be connected to Iranian intelligence and  
19 she admitted that in August of 2020, less that be a year  
20 before the kidnapping plot came to light, they met in  
21 Khazein's office in Tehran.

22 The government has not and does not allege that the  
23 defendant had specific knowledge of the kidnapping plot, but  
24 to be crystal clear, there is no dispute that she knew exactly  
25 who she was helping. She is no unwitting participant in her

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1 years-long, repeated, and flagrant violation of the sanctions  
2 laws.

3 That is also far from her only crime. The defendant  
4 also was charged with bank and wire fraud, money laundering,  
5 and structuring, the last of which she was convicted. She  
6 amassed significant unexplained wealth and made concerted  
7 efforts to hide that wealth through structured deposits.  
8 Between approximately July of 2020 and May of 2021, she made  
9 over a hundred cash deposits totaling nearly half a million  
10 dollars.

11 Structuring, like IEEPA, may sound like a sanitized  
12 technical term, but here's the point. More than a hundred  
13 times the defendant willingly, knowingly, and obviously broke  
14 the law when she thought no one was looking, and she amassed  
15 significant wealth that remains unexplained.

16 The government took all this into account when  
17 fashioning an appropriate plea offer. The defendant was not  
18 required to plead to bank and wire fraud, decreasing her  
19 maximum sentencing exposure from 30 years to 20 years. And  
20 the government recognized, through mitigating role adjustment,  
21 her relatively less culpable role in committing the IEEPA  
22 violation. The resulting guidelines range of 46 to 57 months'  
23 imprisonment reflects that considered judgment and it reflects  
24 the seriousness of the crime here.

25 A guidelines sentence is appropriate in this case and

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1 it's appropriate because it reflects the seriousness of the  
2 defendant's offenses, it provides just punishment, and it  
3 sends a message of general deterrence that assisting malign  
4 foreign governments can have devastating consequences,  
5 including for those targeted by hostile regimes for  
6 retribution, people like Masih Alinejad, that those who  
7 knowingly provide support and services to those governments,  
8 like Iran, will be held to account for their vital role in  
9 exporting terror, violence, and repression to the  
10 United States, that we will not allow it.

11 Your Honor, for all of those reasons, the government  
12 respectfully submits that a guidelines sentence of 46 to 57  
13 months' imprisonment is appropriate and necessary in this  
14 case.

15 THE COURT: Thank you.

16 So would Ms. Alinejad like to speak today?

17 MR. GUTWILLIG: Yes, your Honor.

18 THE COURT: You are welcome to come to the podium.

19 MS. ALINEJAD: Your Honor, thank you so much for  
20 giving me this opportunity. Especially coming from a country  
21 that women cannot be judge, I am very pleased.

22 My name is Masih Alinejad. I'm an Iran journalist,  
23 American journalist, and activist. My statement is made to  
24 highlight the impact of actions undertaken by or on behalf of  
25 the Islamic Republic.

N472BahS kjc

1 I was the target of kidnapping plot that was foiled  
2 by the F.B.I., but I am not the only victim here—my husband,  
3 Kambiz Foroohar, and my two stepchildren.

4 Physically, I survived. The ones who wanted to  
5 kidnap and harm me failed. But the emotional and mental scars  
6 and wounds are very, very real. I loved being in America. I  
7 felt the safe place ever that I can express myself, when I  
8 could enjoy the benefits of freedom of speech, to campaigning  
9 for women inside Iran who don't have the freedom to express  
10 themselves.

11 I'm a very strong woman, but they could break me  
12 emotionally. They break -- they broke me emotionally. This  
13 crime left its marks. I no longer feel safe in America. This  
14 crime's left its mark, and every day when I walk out in the  
15 streets, I have to watch over my shoulder. This crime hurts  
16 emotionally, physically, and financially.

17 My life changed in 2020. That was when the F.B.I.  
18 showed me the surveillance photos of myself, my husband, and  
19 my two stepchildren. After that, we moved to a series of safe  
20 houses. As a result of the plot, we lost our home where we  
21 had lived for ten years and stayed in a series of temporary  
22 accommodations. We have changed locations many times in the  
23 three years. I can assure you that it is not fun living --  
24 living out our -- living out of suitcases.

25 For months, I had troubles sleeping; and when I did,

N472BahS kjc

1 I used to have nightmares. Even to this day, there are times  
2 when I wake up in the middle of the night not quite sure as to  
3 where I am. I stay still trying to figure out whether I'm  
4 back in Iran or still in the United States of America. Even  
5 during the day, I sometimes confused the locations of my new  
6 safe house.

7 Our changed circumstances has been traumatic for our  
8 children, especially my teenage stepson who is only 16 year  
9 old. He spent little time with us. It has been difficult to  
10 create a normal home life during the past three years.

11 Spring is here now, and this is the most difficult  
12 part of my life because I really miss the life that I had  
13 before this plot. I miss my tree-lined streets in my little  
14 corner of Brooklyn and I miss my neighbors who accepted me as  
15 one of their own. Every morning, I used to wake up and run  
16 down the stairs to drink my coffee in my beautiful garden with  
17 my daffodils, my roses, lilies. Yes, I growed roses and I  
18 planted sunflowers that climbed more than seven feet tall.  
19 You have to visit my garden.

20 The Islamic Republic forced me to leave my family in  
21 Iran. To remind myself what I had lost, I had planted trees  
22 and I named them after my mother, after my father, after my  
23 brothers. They are beautiful trees about the members of my  
24 family in my garden. Now I have been forced to leave my  
25 family once again.

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1           Beside the emotional pain, which is difficult, there  
2           is also financial cost. We are forced to put our home up for  
3           sale. We have already given most of our furniture to charity.

4           The hardship will not deter me from my mission at  
5           all. The Islamic Republic wanted to silence me, but they have  
6           failed. Thanks to the law enforcement and their incredible  
7           job, I'm louder than ever.

8           Islamic Republic is a brutal and repressive regime  
9           that kidnaps, tortures, and murders dissidents. The regime  
10          has killed thousands of Iranians, innocent protesters at home  
11          and hundreds of dissidents outside its borders. Many women  
12          received lashes, being raped in prison, and my crime is just  
13          giving voice to them. It is beyond belief for  
14          anyone—anyone—to claim that they were unaware of the evil  
15          nature of the Islamic Republic.

16          I want this Court to impose the maximum sentence not  
17          for my pain, not the pain that I have suffered, not the pain  
18          that my family suffered, but to send a signal, a message that  
19          you cannot commit acts of terrorism or fund act of terrorism on  
20          U.S. soil. I want New York be safe again for me. I want to  
21          go back to my neighbors.

22          Thank you so much for giving me the opportunity to  
23          express myself.

24          THE COURT: Thank you so much for being here today.

25          MS. ALINEJAD: Thank you.



N472BahS kjc

1 THE COURT: Mr. Lichtman, would you like to be heard?

2 MR. LICHTMAN: Yes, Judge.

3 Your Honor, this is a very unusual case and a very  
4 unusual defendant for a variety of reasons.

5 First, it is very rare that we have a case in which  
6 the harm or the potential harm in this case, although as  
7 Ms. Alinejad noted, this is real harm even if the plot failed.  
8 This evil plot, my client, Ms. Bahadorifar, is now the face of  
9 it in America, is now the face of it in this courtroom, and  
10 she wasn't convicted of that plot. And it is so rare to have  
11 a situation where this is the tail that's wagging the dog to  
12 the extreme. If the other defendants that are safely  
13 ensconced in Iran right now were in this courtroom being  
14 sentenced, she is a minor part of it. She wasn't convicted.  
15 She wasn't even charged. But here we are, and it's human  
16 nature to direct the ire at the one person that's left, that  
17 was able to be punished.

18 I want to note also that where this defendant came  
19 from, what she's been through as a person, what she's  
20 experienced to get here today, it's affected her behavior that  
21 landed her here. This isn't somebody who grew up in a bad  
22 neighborhood in New York, where people were selling drugs and  
23 she's got PTSD. This is someone who grew up in a way that is  
24 different than -- I don't know if there is any defendant that  
25 I have represented -- I have been doing this now for almost 33

N472BahS kjc

1 years, and this is just an incredibly unusual case.

2 She was shaped by the Iranian terror regime that took  
3 over, that overthrew the country when she was five years old.  
4 The country went from a secular, modern, beautiful place to a  
5 dark, repressive, evil, murderous terror regime overnight;  
6 where one day girls are walking around wearing skirts,  
7 listening to music, and the next day if they show an ankle in  
8 public, they are beaten by a morality police. It is  
9 incredible, but it's true. And I don't know that Americans  
10 really appreciate how diseased this Iranian terror regime is  
11 and what they have done to the people that they have  
12 imprisoned.

13 So when she was five years old, her entire life  
14 changed and she grew up under that repressive regime. As she  
15 said in her presentence interview, in her culture, you just  
16 take what the men do and you don't report anything. And it  
17 sounds like an excuse but it's not.

18 When she was beaten by her fundamentalist husband in  
19 Canada, an arranged marriage, she didn't go to the police.  
20 Why? She is in Canada. She is free. She wasn't in Iran  
21 anymore. She didn't do a thing. She was lucky to escape with  
22 her life with her son. That's because of where she grew up and  
23 the impression that she had from the horrifying experience of  
24 growing up as a young girl in Iran.

25 So I think trying to pigeonhole Ms. Bahadorifar as a

N472BahS kjc

1 typical American defendant is wrong and unfair. Her reactions  
2 to authority, her responses to what people in power ask of her,  
3 all of these things separate her from a typical American  
4 defendant. And there is no excuse for breaking the law. I'm  
5 not using that as an excuse, Judge. But her upbringing, the  
6 factors that shaped her world view, are all pertinent pursuant  
7 to Section 3553(a).

8 She's had a very difficult life, as I have said. To  
9 watch this happen when you are a young child -- and it's  
10 something Americans can't understand. You know, I view this  
11 case, I'm somebody who personally knows a lot about this  
12 society and I have studied it and it fascinates me. Why the  
13 courtroom is not filled with international press about this  
14 case tells me all I need to know about Americans just don't  
15 have any interest or enough interest for whatever reason and  
16 Americans should.

17 She talks about in the presentence report and in some  
18 of the letters that were submitted about what happened to her  
19 when she was ten years old and she went to a wedding, her  
20 sister's wedding, I believe. It's incredible. There were  
21 people that were together dancing, men and women. That  
22 happens at every wedding. But what happened at the end of the  
23 wedding, the morality police came in and arrested everybody  
24 because you are not allowed to have men and women that aren't  
25 married together in the same room and, God forbid, dancing.

N472BahS kjc

1 She was ten years old, taken to a police station and then  
2 released. That's the kind of thing that shapes your world  
3 view, and I don't know that you can ever escape from even when  
4 you come to a free country, whether it's Canada or America.

5 We learned that her father brought her older sister  
6 Azita to America to get educated because her father knew that  
7 this was not the Iran that he grew up in. He knew that,  
8 having three daughters, there was no chance that they could  
9 ever prosper under that regime where there was no value at all  
10 for women, none, just abuse.

11 Her father was rewarded for his concern for his  
12 daughter by being arrested upon his return to Iran and all the  
13 family's property was taken. Other relatives were imprisoned.  
14 One of them was executed, an uncle, for talking against the  
15 regime.

16 The defendant, as I said, finally escaped Iran and  
17 moved to Canada. And as I had said, she didn't escape her  
18 upbringing. She was into -- forced into an arranged marriage  
19 and had to leave after being beaten and abused. She was told  
20 that if she left the house uncovered she would be beaten.  
21 This is in Canada. This is what she experienced. And again,  
22 as she said, in her culture you just take what the men do and  
23 you don't report anything.

24 Eventually she escaped and moved to America with her  
25 young son, Yasha, after seeing him get abused by her husband

N472BahS kjc

1 as well. She had no money. She didn't speak the language  
2 barely. It was a new country. She was raising a young boy on  
3 her own without any help, without any relatives, with an  
4 ex-husband who had nothing to do with her son.

5 Yasha, her son—you have read his letter, Judge—is  
6 now 20 and somehow throughout all of this has turned out to be  
7 a wonderful kid. I read the letter, and I would hope that my  
8 children would speak about me in the same way as Yasha spoke  
9 about his mother, who sacrificed so much to raise him. In his  
10 letter to the Court, he described what a tremendous mother she  
11 was. As I said, being a single mother in a strange country  
12 with no money, no assistance from her ex, her family under  
13 siege in Iran, well, that's something. And raising a son by  
14 herself under these circumstances, without any kind of  
15 upbringing that could prepare her for this new life, is really  
16 extraordinary. The letter details their close relationship as  
17 they really only have each other in this world. That's it  
18 after all these years. Yasha will attend Penn State in the  
19 fall and hopes to go to U.S.C. law school. He hopes to be --  
20 he hopes to be a criminal defense attorney.

21 So we are to think that this woman—who by all  
22 accounts is a good person, a generous person, who cares for  
23 the homeless on the weekend—is somehow embedded with the  
24 Iranian terror regime. She is not. The government surely  
25 would have provided intelligence upon her if she was. It's

N472BahS kjc

1 not like the American government is not aware of who is in  
2 their midst when they are coming from perhaps America's worst  
3 enemy. They have files on all the people, Judge, especially  
4 the expatriots from Iran.

5 Yes, she was involved with a bad person—no  
6 question—this Mahmoud Khazein, who had known her for years  
7 since she was a young woman, knew her family well before she  
8 knew her -- knew him. Yes, she did what he asked of her.

9 He was not only an authority figure to her, and she's  
10 known him for so long, he was also an important government  
11 figure in Iran. He is part of Iranian -- Iran's terror  
12 regime. There is no question. That's not disputed. He is  
13 part of the Revolutionary Guard, Judge, and that's their  
14 military wing of the Iranian government, and part of their  
15 task is to crush any dissent within Iran. This is a very  
16 scary terror leader in a country run by the most dangerous  
17 terrorists on the planet. Khazein makes people disappear.

18 But there is zero evidence that Nellie had any clue  
19 about this kidnapping plot of Ms. Alinejad, a woman whose  
20 hatred of the Iranian terror regime is completely founded. We  
21 should all feel the same way about Iran as Ms. Alinejad does.  
22 She is a hero for getting it all out. Well, she is a victim,  
23 as well. I'm not saying that they are the same, but there is  
24 a reason why she is in California. There is a reason why there  
25 is an entire community of ex-Iranians there—to escape the

N472BahS kjc

1 terror regime.

2 Did she do things, Nellie, for financial need for  
3 this man? As noted in the government's submission on page 8,  
4 in 2014, Nellie inquired about money she was supposed to  
5 receive from family members in Iran and from Khazein. This  
6 was just a bit after she fled her ex-husband in Canada.

7 Regarding Khazein, did she feel morally obligated to  
8 help this older authority figure? was she afraid not to help  
9 him? I suppose a combination of all. I don't know that we  
10 are ever going to get the answer. I don't know that we as  
11 Americans can fully understand her motivation. But, Judge, I  
12 also can't understand as an American why a 19-year-old who  
13 finally escaped Iran would enter into an arranged marriage  
14 with a fundamentalist lunatic abusive husband. I can't  
15 understand that either. But this is what happens when you  
16 grow up in Iran. It's not so easy to shed all of the bad.

17 She did know that she had family back in Iran who  
18 were exposed when all of this was going on. And the  
19 government knows full well -- and I can tell you this, Judge,  
20 I don't want there to even be a hint that I have any problems  
21 with the government's handling of this case. These two  
22 prosecutors couldn't have been more fair, more patient, and  
23 more decent throughout this entire episode, couldn't be. They  
24 were perfect representatives of this office. But as I said,  
25 the government knew that she didn't have a thing to do with

N472BahS kjc

1 the horrible kidnapping plot. They read every one of her  
2 thoughts in her texts and her What's App messages or e-mails,  
3 nothing about the kidnapping.

4 She made a payment of \$670 by PayPal to the private  
5 investigator and put Mr. Khazein's name in the memo, Judge.  
6 He was a known quantity to the U.S. government at that point  
7 as a member of the IRGC and she put his name in the PayPal  
8 payment memo. She clearly knew nothing of the plot, and she  
9 didn't even attempt to hide his name on the memo. That speaks  
10 volumes.

11 And why was Nellie chosen by Khazein? Because he  
12 felt he could manipulate her. That's why. He felt he could  
13 get her to do his bidding unknowing what he was actually  
14 doing. If he was dealing with someone who was ideologically  
15 aligned with him, Judge, with the Iranian terror regime, he  
16 would have included her in on the plot. He didn't. He never  
17 did.

18 THE COURT: Don't I have to send a message to people  
19 just like Ms. Bahadorifar, who can be manipulated, to say this  
20 is what's going to happen?

21 MR. LICHTMAN: Judge, I'm going to tell you what the  
22 message is that may have already been sent, regardless of what  
23 happens today, that doesn't happen to a defendant in a regular  
24 case. This woman, who was living in a close-knit expat  
25 community in Iran [sic] is marked. Why? Because everybody in



N472BahS kjc

1 her community thinks she is aligned with the Iranian terror  
2 regime. In her building, where she lived with friends, they  
3 are all Iranian. This is what they do. They went to be with  
4 each other because they understand each other and they all  
5 experienced the same up bringing. Now she is mud. Her  
6 picture is put up in the elevator. Most of the people won't  
7 speak to her. She was fired from her job. That's the first  
8 part. Where can she go? Is she going to move to Kansas City?  
9 Is she going to move as if she is in the witness protection  
10 program? No. No. She can't. She's got roots there, and now  
11 she is hated there, even though she herself was manipulated by  
12 Khazein and is an opponent of that regime, which is why she got  
13 out. That's part one.

14 Part two, well, she is marked by the Iranian terror  
15 regime as well. You have read our papers, Judge. You know  
16 what they are. You know what they are capable of. You know  
17 what they have done. There is nothing beneath this diseased  
18 terror regime. And the idea that she is somehow not in danger  
19 herself, or her family, from these people is ludicrous to  
20 suggest otherwise.

21 So has a message been sent? She's got a felony  
22 conviction. She is hated by both sides of the equation here  
23 and she was manipulated. There is no question. Period. And  
24 as I said, she finds herself in a world of trouble. She is  
25 the only defendant who will ever appear before an American

N472BahS kjc

1 judge in this case. The others are carefully hidden and  
2 protected in Iran. They are not feeling any pain today. And  
3 the one person who was not charged with the plot is here to  
4 take the brunt of it.

5 This is a terror regime, Judge, and I know I have  
6 gone on about it, but she has family that's stuck in Iran  
7 right now, exposed. This is a regime that has killed,  
8 tortured and imprisoned so many innocent Iranians just in the  
9 past few months because a 22-year-old Kurdish Iranian woman  
10 named Mahsa Amini dared to wear a loose head covering in  
11 public, and for that she needed to be beaten to death by  
12 Iran's morality police.

13 Since then, they have had protests in the streets  
14 there and the world has watched in horror at the brutal  
15 tactics employed to crush it—murder, arrests with no trials,  
16 torture, rape, electrocution, removal of nails. If you simply  
17 dance in the street in Iran, you are attacked by the morality  
18 police.

19 And you would think that by now that they would want  
20 to reach some sort of accommodation with the people that are  
21 uprising. No. Last week Iran's chief justice warned that  
22 women who did not cover their heads in public will be punished  
23 and prosecuted without mercy. This evil regime has taken to  
24 poisoning young school girls to prevent them from protesting.  
25 Thousands have been poisoned already.

N472BahS kjc

1           The government wrote in its letter that Congress  
2 recently enumerated over a dozen alleged plots by the  
3 government of Iran over recent years to bomb, shoot, kidnap,  
4 harass, and gather intelligence against victims in the  
5 United States, Canada, the U.K., France, Germany, Denmark,  
6 Turkey, and Africa. Judge, that's a fraction.

7           How about the last 24 hours? We've got Iran paying  
8 terrorists in Lebanon. They have killed the prime minister.  
9 They bankrupted the country. They are shooting rockets into  
10 Israel. We have got Iran's Hamas terrorists below Israel  
11 shooting rockets into Israel. I read that there was a plot of  
12 two Iranian operatives who were arrested in Azerbaijan  
13 yesterday for trying to overthrow the government. Why? They  
14 want to install a Shi'a government. This is how utterly sick  
15 this is.

16           The day that I filed our sentencing letter, there was  
17 an arrest of Iranian operatives who were about to target a  
18 Jewish center in Greece, in Athens, in a crowded area, not an  
19 Israeli target. This wasn't an issue with politics. They are  
20 anti-Semites and they wanted to kill Jews in Greece.

21           Similarly, they have a cartoon contest every year  
22 about the Holocaust and the best one that says that the  
23 Holocaust didn't occur, well, that's your big winner. That's  
24 what we have with Iran.

25           There is nothing that deters this terror

N472BahS kjc

1 regime—nothing. So that's the message -- and I went on about  
2 it, but that's the message that she faces as well. When this  
3 is over, Judge, whatever your Honor does, it doesn't end it  
4 for her. It doesn't end it for her. It doesn't end it for  
5 her in America, it doesn't end it for her anywhere. It  
6 doesn't end it for her with her expats and it doesn't end it  
7 for her with the people that are coming into this country to  
8 kill and kidnap.

9           During the pendency of this case they tried to kill  
10 Ms. Alinejad again. A man was arrested with an AK-47 who was  
11 at her front door during the pendency of this case. That  
12 shows they don't have any concern. They tried to kill Mike  
13 Pompeo and John Bolton. They have no concern at all. They are  
14 certainly not going to be deterred from going after the  
15 defendant.

16           And when the government reports the defendant  
17 initially lied to law enforcement officers who arrested her  
18 about her relationship with Mahmoud Khazain, should that be  
19 any surprise, an Iranian woman afraid to admit any  
20 relationship with a member of the Revolutionary Guard when she  
21 has family back trapped in Iran?

22           And I'm going to come to the end, Judge. If we can  
23 get past the politics and the need to send a message, I get  
24 all of that. I think that's one thing that we can all agree  
25 upon in this courtroom is that somebody, somehow there has to

N472BahS kjc

1 be a message sent to this terror regime. I would ask you to  
2 look at her life, Ms. Bahadorifar, when no one was watching,  
3 when she had no need to impress the Court or anyone, for that  
4 matter. This is a person who gives back to her community.

5 I have got clients, Judge, they get arrested, they  
6 are incredibly wealthy, and they say to me the first time we  
7 had a meeting in my office, well, who could I write a check to  
8 to show that I am a charitable person for a judge down the  
9 line? It happens, like, I don't know, like 80 percent of the  
10 time.

11 She doesn't have any money. What she did is, by her  
12 sweat equity, she is helping the homeless, she is feeding them  
13 on weekends. There is no matter, no situation too small for  
14 her not to try to help her friends, her community. She  
15 listens. She acts. The letters are legion in that regard,  
16 legion in her charity.

17 And this is why she is so ashamed to be here today,  
18 because she loves America. She didn't come here as an  
19 operative. She came here to raise her son in freedom. We  
20 forget about that because she is here as a criminal defendant.  
21 This is a horrible ironic tragedy for her.

22 In conclusion, it is an unusual case for all the  
23 reasons I have said. She is the face of the Iranian terror  
24 regime that she had no part of in this courtroom today. As I  
25 said and you know, she wasn't charged with that horrible part

N472BahS kjc

1 of the case. She was misled, lied to by a long-time family  
2 friend, the scary authority figure who is in the Iranian  
3 Revolutionary Guard. But she stills committed the crimes.  
4 She should have known better. Could she ever have imagined  
5 that she was getting herself involved in this? Of course not.  
6 She would have been charged. And she is mortified by what she  
7 did.

8 And after such a difficult life, Judge, from an awful  
9 childhood, growing up, first, in this idyllic country, and then  
10 by age five her world turned upside-down when the revolution  
11 occurred. Suddenly, she is a second class citizen in an  
12 Islamic terror state. She finally escaped, only to find  
13 herself in another prison in Canada with a fundamentalist  
14 abuser. When she finally escaped and moved to America, a  
15 country that gave her peace and freedom, against all odds she  
16 raised, on her own, a wonderful son without speaking the  
17 language well, but she persevered.

18 But, sadly, the damage of her upbringing was done,  
19 caused her to be manipulated by an authority figure who was a  
20 powerful member of Iran's terror regime government. But she  
21 knew better. America gave her so much, and she knew better.

22 And now she is going to pay the price for this, for  
23 her actions for the rest of her life, Judge. She will always  
24 have people -- she will always have to look over her shoulder  
25 from both sides of this equation. She will have difficulty

N472BahS kjc

1 ever working again here, certainly not in her area where she  
2 lives. She still must raise a son who relies -- raise a son  
3 who relies on her completely.

4 For all these reasons, Judge -- and I know that it is  
5 a difficult decision for you. I don't envy me. When I walked  
6 in this morning, I was feeling bad, I was feeling bad for  
7 myself because this is --

8 THE COURT: Speak into the mic please so we can all  
9 hear you.

10 MR. LICHTMAN: -- because this is a case that tears  
11 at me personally, as well. It's something that I have a  
12 passion about, and it's very hard to be here and it's very  
13 hard to represent a woman who I feel it's so easy to make her  
14 bear the brunt of what occurred here, and she is the only one  
15 that ever will, and she is by far the least involved and was  
16 wasn't charged in the main crime.

17 For all those reasons, Judge, I know that it is not  
18 easy for you, but I beg of you to give her another chance, to  
19 give her a probationary sentence with home confinement with as  
20 much community service, to speak to other people, whatever  
21 your Honor can do. I don't want to break up this small family,  
22 what's left of it.

23 Thank you, Judge.

24 THE COURT: Thank you.

25 Ms. Bahadorifar, would you like to say something

N472BahS kjc

1 today?

2 THE DEFENDANT: Yes.

3 THE COURT: Bring the microphone a little closer,  
4 please, so we can all hear you.

5 THE DEFENDANT: Your Honor, I would like to sincerely  
6 apologize to this beautiful country, the Honorable Court, the  
7 prosecutor, to my fiancé Salman, as well as my son Yasha and  
8 my sister and the brave people of Iran. I'm deeply sorry that  
9 my crime brought so much discomfort into their lives. To  
10 Ms. Alinejad, I'm humiliated to have been involved in any  
11 attempt to harm you, even I was unaware of it. You are a hero  
12 to all Iranian, and especially me and my family. I'm deeply  
13 sorry. I'm sorry.

14 I moved to United States from Iran to finally  
15 experience freedom and happiness and finally have a better  
16 life. The United States has provide me with freedom I had  
17 never experienced in Iran. The United States is the country  
18 that does so much for their people and that is why I am beyond  
19 ashamed for doing this to my new home which has done nothing  
20 but support me, keep me safe, provide me with equal rights as  
21 everyone else. Again, these are all things that everyone in  
22 Iran would dream of having it. I promise to never, ever let  
23 this country down in any way again.

24 And to Yasha my son, we have been through so much  
25 together. We have overcome so much. I never wanted to let



N472BahS kjc

1 you down, and now I have. I am so sorry. Please forgive me.

2 Thank you, your Honor.

3 THE COURT: Thank you.

4 Is there any reason that sentence cannot be imposed  
5 at this time?

6 MR. GUTWILLIG: No, your Honor.

7 MR. LICHTMAN: No, your Honor.

8 THE COURT: All right. So I'm required to consider  
9 the advisory guidelines range as well as various other factors  
10 that are outlined in a provision of the law that I mentioned  
11 earlier—it's 18 United States Code § 3553(a)—and I have done  
12 so. Those factors include, but are not limited to, the nature  
13 and circumstances of the offense and the personal history and  
14 characteristics of the defendant, because each defendant must  
15 be considered individually as a person.

16 Judges are also required to consider the need for the  
17 sentence imposed to reflect the seriousness of the offense,  
18 promote respect for the law, provide just punishment for the  
19 offense, afford adequate deterrence to criminal conduct,  
20 protect the public from future crimes of the defendant, and  
21 avoid unwarranted sentencing disparities, among other things.

22 You know, sentencing is the hardest thing that a  
23 judge does. It is immeasurably difficult for a human being to  
24 judge another human being and decide if they should be  
25 deprived of their liberty and, if so, for how long.

N472BahS kjc

1           This sentencing is particularly difficult in my view  
2 because I have before me a woman who is sympathetic in many  
3 respects. She has no criminal history. She is beloved by  
4 friends and family, and she has faced many serious challenges  
5 in her life. But she has also engaged in criminal conduct  
6 that is not only egregious in and of itself, but conduct  
7 through which she endangered the life of another woman, a  
8 woman who, in contrast to Ms. Bahadorifar, is a profile of  
9 courage in the face of the Iranian terror regime.

10           I think the Probation Department put it so well in  
11 the presentence report when it said that almost all organized  
12 criminal activity depends on individuals like Bahadorifar,  
13 people with clean criminal records and unassuming backgrounds  
14 who are unlikely to attract attention. These individuals  
15 provide access to the U.S. financial system to bad actors.  
16 They obfuscate the source of money and allow it to be  
17 transferred for nefarious purposes—in this case, sanctions  
18 evasion and a kidnapping plot.

19           The purpose of the United States's sanctions on Iran  
20 is to put economic and political pressure to achieve a  
21 peaceful desired outcome, namely, preventing Iran's  
22 proliferation of nuclear weapons and stopping their continued  
23 support for terrorist groups throughout the Middle East  
24 without having to go to war. If Iran can avoid these  
25 sanctions, as they are trying to do with the help of people

N472BahS kjc

1 like Bahadorifar, then sanctions will be ineffective and the  
2 risk of war increases.

3 The kidnapping plot on American soil is an affront to  
4 our national sovereignty, the values of democracy, and the  
5 rule of law. Bahadorifar played a relatively small role in  
6 all this and yet her contribution was crucial.

7 Here, Ms. Bahadorifar had known the Iranian  
8 intelligence actor for years and understood him to be  
9 affiliated with Iranian intelligence services. Indeed, she  
10 met with him in Tehran in August 2020 when he was engaged in  
11 the plot to kidnap, even though she didn't know about that  
12 plot. But nonetheless, knowing what she did, what  
13 Ms. Bahadorifar knew, she still provided an attempt to provide  
14 this man assistance for a full nine-year period, from 2012 to  
15 2021.

16 Moreover, the amount of funds involved in the  
17 structuring charge is close to half a million dollars. In  
18 just the two-year period between 2019 and 2021, much of that  
19 time at the height of the pandemic lockdown, the defendant  
20 made over 100 separate trips to make cash deposits at banks  
21 specifically intended to evade reporting requirements. Those  
22 102 deposits totaled well over \$400,000 in illicit funds.

23 And she profited from this scheme. When the F.B.I.  
24 searched her home, they found about \$150,000 in luxury goods,  
25 including watches and handbags and jewelry. So not only does

N472BahS kjc

1 a sentence in this case have to reflect the seriousness of the  
2 offenses, but I have to send a strong message to deter other  
3 people like Ms. Bahadorifar from engaging in conduct like this  
4 and hopefully prevent dangers like those that befell  
5 Ms. Alinejad who has been so brave not only in coming here  
6 today but in speaking up against injustice in her homeland.

7 So while I have considered all of the arguments made  
8 by Ms. Bahadorifar, including but not limited to her lack of  
9 criminal history and her health issues, and I read every one  
10 of the many letters submitted by her friends and her family  
11 who describe her in glowing terms, and while I am fully  
12 cognizant that there is no evidence that she knowingly  
13 participated in the kidnapping plot, a very serious sentence  
14 must nonetheless be imposed, and I ultimately agree with the  
15 government that one within the guidelines range is  
16 appropriate.

17 Ms. Bahadorifar, could you please rise for the  
18 imposition of sentence.

19 It is the judgment of this Court that you be  
20 committed to the custody of the Bureau of Prisons for a term  
21 of 48 months on each count to run concurrently, to be followed  
22 by a term of supervised release of three years on each count  
23 also to run concurrently.

24 I believe that this four-year sentence is sufficient  
25 but not greater than necessary to comply with the purposes of

N472BahS kjc

1 sentencing set forth in the law. And just to be clear, you  
2 know, based on the facts before me, I would have imposed the  
3 same sentence however I ruled on the guidelines issue that we  
4 discussed earlier.

5 You can be seated while I describe the conditions of  
6 your supervised release.

7 So all of the standard conditions of supervised  
8 release shall apply. They are on pages 25 through 27 of the  
9 presentence report. Counsel, would you like me to read  
10 these aloud or do you waive their public reading?

11 MR. LICHTMAN: Judge, we waive the public reading.

12 THE COURT: I will say the mandatory conditions on  
13 the record.

14 You must not commit another federal, state, or local  
15 crime.

16 You must not unlawfully possess a controlled  
17 substance. You must refrain from any unlawful use of a  
18 controlled substance.

19 You must cooperate in the collection of DNA as  
20 directed by the probation officer, and you must make  
21 restitution in accordance with the law.

22 In light of the nature of the crime, I'm also taking  
23 the recommendation of the probation department and requiring  
24 you to provide the probation officer with access to any  
25 requested financial information, and you must not incur any

N472BahS kjc

1 new credit card charges or open additional lines of credit  
2 without the approval of the probation officer unless you are  
3 in compliance with the installment payment schedule.

4 I am not going to impose a fine at the recommendation  
5 of the probation department and in light of the amount of  
6 forfeiture that I intend to order.

7 I am imposing the special mandatory special  
8 assessment of \$200, which shall be paid immediately.

9 So a consent preliminary order of forfeiture money  
10 judgment was issued on December 15, 2022 in the amount of  
11 \$476,100. That order will become part of the judgment in this  
12 case.

13 Is the government separately seeking restitution?

14 MR. GUTWILLIG: No, your Honor.

15 THE COURT: All right. So none will be imposed.

16 Is there any objection to voluntary surrender?

17 MR. GUTWILLIG: Your Honor, the government's position  
18 is that remand is appropriate under the applicable standard.  
19 I don't think that the defendant can meet her burden to  
20 establish that she is not by clear and convincing evidence a  
21 flight risk. I think this is because, among other things, the  
22 nature and circumstances of this offense, the amount of money,  
23 the illicit payments, the deceptive means used for that, and I  
24 think that the distinguishing factor between today and when  
25 she pled guilty is that your Honor has just imposed a

N472BahS kjc

1 significant sentence that incentivizes flight.

2 THE COURT: Counsel, would you like to be heard?

3 MR. LICHTMAN: Judge, we have known about these  
4 sentencing guidelines for a long time now. The idea that she  
5 is a flight risk is ludicrous. She could have left any time  
6 beforehand. It would be a lot easier for her to have left  
7 before she even pled guilty in this case.

8 She followed every single directive from Pretrial  
9 Services. There was not a single issue. So the idea of what  
10 more could be clear and convincing evidence? This is beyond a  
11 reasonable doubt evidence that she is no flight risk. She's  
12 got family here. She's got a son who is in school who will be  
13 going to school in the fall. The idea that she is going to  
14 run away when she's got a four-year sentence and when you  
15 factor in the 85 percent, the halfway house, and the First  
16 Step Act credits, it's about 29 months in jail.

17 The idea that she is going to leave this country to  
18 go where and leave her family is, frankly, a joke, and I would  
19 ask that she be given 90 days to self-surrender—she's got a  
20 son who is still in school, he is going to be transferring to  
21 another school this fall—to give him an opportunity to get  
22 him straight, Judge. That's all they have is each other.  
23 There is not one single scintilla of evidence that suggests  
24 that she is a flight risk here.

25 THE COURT: All right. I am going to set a voluntary

N472BahS kjc

1       surrender date. I agree that she is has been compliant  
2       throughout on pretrial release at all times. She was well  
3       aware of the guidelines range, and I gave a sentence of course  
4       within that range, and she does have her son who will be  
5       attending school in the United States. And if she were to  
6       flee -- and consider this a warning, Ms. Bahadorifar, you will  
7       be arrested immediately, and then she won't be seeing her son  
8       again for a very long time.

9               Ms. Cavale, could you choose a date approximately 90  
10       days out.

11              THE DEPUTY CLERK: How is July 7 at 11 a.m.?

12              MR. LICHTMAN: Thank you.

13              THE COURT: On that date she shall surrender to the  
14       institution designated by the Bureau of Prisons or as notified  
15       by the probation or Pretrial Services.

16              Ms. Bahadorifar, the conditions of your release will  
17       continue up until the time that you report for sentence. If  
18       you fail to report for sentence. Not only will you be  
19       arrested on a bench warrant, but you will likely be charged  
20       with a separate crime of bail jumping. So I want to make that  
21       very, very clear.

22              That is the sentence of this Court.

23              Ms. Bahadorifar, you have a right to appeal your  
24       conviction and sentence except to whatever extent you may have  
25       validly waived that right as part of your plea agreement. If



N472BahS kjc

1 you do choose to appeal, the notice of appeal must be filed  
2 within 14 days of the judgment of conviction.

3 If you are not able to pay for the cost of an appeal,  
4 you may apply for leave to appeal *in forma pauperis* which  
5 simply means that court costs, such as filing fees, will be  
6 waived.

7 If you request, the Clerk of Court will prepare and  
8 file a notice of appeal on your behalf.

9 Is the government moving to dismiss the open counts?

10 MR. GUTWILLIG: Yes, your Honor.

11 THE COURT: All right. They will be dismissed.

12 Are there any other applications?

13 MR. LICHTMAN: Judge, I would ask for a  
14 recommendation for a prison camp in central California.

15 THE COURT: All right. I will make that  
16 recommendation. It's ultimately, of course, up to the Bureau  
17 of Prisons, but I will make that representation --  
18 recommendation.

19 MR. LICHTMAN: Thank you.

20 THE COURT: Are there any other applications at this  
21 time?

22 MR. LICHTMAN: Nothing from the defense.

23 MR. GUTWILLIG: Not from the government, your Honor.

24 THE COURT: Thank you. We are adjourned.

25 oOo